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# FOREIGN POLICY BULLETIN

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## RUSSIANS TAKE LEAD IN TRYING WAR CRIMINALS

THE trial by a military tribunal in Kharkov of three Germans and one Russian accused of war atrocities, and their execution on December 19 following admission of guilt, represent the first official attempt on the part of any one of the United Nations—as distinguished from guerrilla groups—to carry out the warning of the Moscow conference regarding war criminals. It will be recalled that the Moscow accord of November 1 was accompanied by a "Statement on Atrocities" signed by President Roosevelt, Prime Minister Churchill and Premier Stalin. This statement declared that, "at the time of granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for or have taken a consenting part" in atrocities, massacres and executions "will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of free governments which will be erected therein." Without waiting for an armistice, the Soviet authorities acted in accordance with the Moscow provision that war criminals "will be brought back to the scene of their crimes and judged on the spot by the peoples whom they have outraged."

The Moscow statement was designed to serve not only as a basis for the subsequent trial of war criminals, but also as a solemn warning to Nazis and other Germans who, there is ample ground to fear, may wreak vengeance for their military setbacks upon defenseless civilians in the areas they are forced to evacuate. No one, least of all the Russians, would claim that the three Germans executed at Kharkov were the original instigators of the crimes of which they were accused. On the contrary, one of the main purposes of the Kharkov trial was to obtain from the accused an indictment of their superiors—Himmler, Rosenberg and Hitler were mentioned—who had

planned the brutalities they had perpetrated. Against these and other Nazi leaders the Russians, along with the governments of all occupied countries, have long been preparing elaborate lists of accusations, based on evidence collected from a great variety of sources. The Allied governments are submitting their lists to the United Nations Commission for the Investigation of War Crimes, established on October 21, 1943, on which the United States and the U.S.S.R. are represented. The Soviet government, as early as November 1942, appointed its own commission for this purpose.

**WHAT GERMANS ARE RESPONSIBLE?** The Kharkov trial, aside from its immediate purpose of intimidating future German war criminals, has far-reaching implications for the larger problem of United Nations policy toward Germany. Today two schools of thought are becoming vocal in the United States—both, not altogether surprisingly, being most violently represented by spokesmen of German origin. One school contends that Hitler and his Nazi associates are alone responsible for all the suffering the Germans have inflicted on other peoples; that German generals and industrialists, who allegedly wanted nothing but peace, were coerced into submission to Nazi plans; and that rank-and-file Germans were as much victims of Nazi terrorism as the conquered peoples of Europe. The other, equally extreme school of thought, avers that all Germans are either criminals or madmen, and should be treated as if they were suffering from incurable viciousness or from dementia praecox.

Neither theses can be regarded as tenable, and neither offers a constructive approach to post-war relations with the Germans. No people can be held completely free of responsibility for the activities of their leaders. It is true, of course, that there is no known method of bringing a whole nation to trial. But individuals who have claimed to represent a na-

tion at a time when such representation was for them advantageous can and should be held responsible for the acts they either did themselves or ordered to be done by others. Many of them, especially the small fry, will doubtless be disposed of by the Germans themselves, or by self-appointed avengers among the conquered peoples. But others must be punished in some way if international morality is ever to be established not merely on the formal plane of diplomatic documents but on the plane of personal responsibility.

**NEED FOR PERSONAL RESPONSIBILITY.** In what manner, however, can acknowledged war criminals be tried? To pretend that any trial to which they may be brought will resemble the legal processes familiar to a stable society in times of peace—even if it were held with the use of defense counsel—would be a travesty of peacetime justice. It is for this reason that the suggestion made by Charles Warren, well-known expert on international law, that such persons should be punished not on the basis of law, but of policy, appears to be sound. The punishment of Nazi leaders would be a matter of policy, not of law—for one thing because, so far, there is no known law on the subject. That such law is needed becomes increasingly evident—but until it has been formulated and generally accepted, it would be a disservice to the normal processes of justice to invoke them for this purpose. The question may be asked whether officers and soldiers carrying out the orders of their superiors, no matter how brutal, can be legally held accountable for their deeds. But an army in which orders for such atrocities as are known to have been committed by Germans, especially in East-

ern Europe and Russia, can hardly be regarded as conforming with the accepted rules of war.

The question of war criminals raises an even more fundamental problem. While no sane person would contend that it would be desirable, even if it were practicable, to punish all Germans for what has been done in their name, there is soundness in the Russian argument that the Germans should be made to repair—literally make reparation for—destruction wreaked in their name upon other peoples. Neither in Britain nor in the United States would there be much sympathy, after the war, for any attempt to use Germans as slave labor on reconstruction tasks in Russia, or other devastated areas of Europe. But if a program for the orderly utilization of German skills, under the supervision of an international commission on which Germans would be eventually represented, could be worked out, there would be a real advantage in having German civilians see for themselves what the German Army and the Nazis have done to other peoples. True, the Germans are now learning from their own experience what they did to Coventry and Rotterdam. But they are as yet far from learning what their fellow-Germans did in Kharkov and Kiev, in Belgrade and Warsaw. Personal acquaintance with these acts of brutality, and personal responsibility for their reparation—to the extent that they can be physically repaired—would do more to impress upon the Germans the lesson that war does not pay than any of the elaborate programs for post-war re-education now being discussed by American educators.

VERA MICHELES DEAN

## WILL BRITISH COMMONWEALTH

## EXTEND TO WESTERN EUROPE?

The suggestion made by the London *Daily Sketch* on December 17 that Belgium might become a member of the British Commonwealth—a suggestion which was cautiously sanctioned by Belgian officials—has given new emphasis to the “explosive” speech delivered in London on November 25 by Jan Christiaan Smuts. Speaking to the United Kingdom branch of the Empire Parliamentary Association, Smuts tentatively proposed that Britain should seek closer ties in Western Europe to enable it to play an equal role in the “great trinity of powers”—United States, Soviet Union and Britain—which will assume leadership in the post-war world.

**THE SMUTS PROPOSAL.** The South African Premier, advocating a peace based on power, explicitly rejected an Anglo-American political axis as impracticable and, by implication at least, excluded an Anglo-Soviet hegemony in Europe. He envisaged the peace as the product of a balance between the power and interests of the Big Three. But since the partnership must be a union of equals and Britain has depleted its resources during the war, it may be

necessary, he said, that Britain add to its strength by associating itself with “the smaller democracies in Western Europe”—presumably Norway, Holland and Belgium. The Empire and Commonwealth, he continued, because they are largely extra-European, cannot give Britain the strength needed in a continent where war developments will have removed three great powers—Germany, Italy and probably France—and raised Russia to a position in Europe never held in peacetime by any single nation.

Although the British government, in answer to protests from Algiers at the slighting reference to France, denied that Smuts spoke for Britain, his proposal appears to have crystallized, perhaps too precipitately, the thinking of influential circles in Whitehall as well as in the exiled governments of Norway, Holland and Belgium. Britain’s stock with these governments is high as a result of over three years’ cooperation in wartime London, and they appear to believe that their security needs and economic interests are tied closely with those of Britain. Neutrality having failed them, military arrangements with Britain are

a logical alternative. Moreover, should British economic policy diverge sharply from that of the United States or other nations, these countries would undoubtedly line up at Britain's side. Final decisions on such questions, however, can hardly be made until the Norwegian, Dutch and Belgian peoples have had the opportunity to support or oppose them. At the same time, forthright adoption by the British government of a policy along the line proposed by Smuts is unlikely for several reasons.

**OBSTACLES TO REALIZATION.** Recent reports from London indicate, in the first place, that there is concern lest such a policy be—or appear to be—directed against the Soviet Union. True, the London *Times* suggested on November 19 that Britain might share in the maintenance of joint bases on the continent, and added that "the Anglo-Russian alliance presupposes that Britain will not intervene in eastern Europe except in agreement with Russia, any more than Russia will intervene in western Europe except in agreement with Britain." But the danger of Anglo-Russian rivalry—with Germany holding the balance of power in Europe under such circumstances—has already been mentioned as a factor which will restrain Britain from pursuing a clear-cut sphere of influence policy in Western Europe.

The exclusion of France from the Smuts proposal also evoked considerable comment in London. If this scheme is to assure effective security, French participation would appear to be essential. Moreover, for lack of it, the colonies of a British-led bloc would surround France's African territories, and this might well lead to serious friction. It should not be forgotten, however, that Prime Minister Churchill's 1940 offer to the French of full citizenship and equality within the British Commonwealth has never been withdrawn. France may feel that for reasons of security in Europe and its colonial interests in Africa and Asia, support for—if not actual membership in—a system of this kind would be to its advantage.

*What effect will the United States attitude toward the tariff, shipping, rubber, foreign lending and lend-lease have in influencing Britain's post-war trade policy? READ—*

#### BRITAIN'S POST-WAR TRADE AND WORLD ECONOMY

by Howard P. Whidden, Jr.

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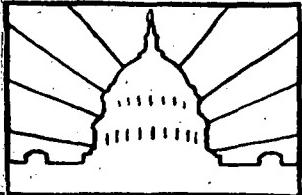
A British policy of rigid obligations in Europe would probably meet with considerable opposition in the Dominions, particularly Canada. While the members of the Commonwealth have always wished to see Britain strong, they have preferred that its strength should not be based on continental ties. The *New York Times* of December 19 reports from Ottawa that the Smuts proposal for maintaining the strength of the Commonwealth, even to the inclusion of new members, has received support in the Canadian capital, but the reaction in Quebec and in Western Canada cannot be expected to be so favorable. Certainly there is little desire in Canada to follow a further suggestion made by Smuts—namely, Dominion participation in colonial administration on a regional basis. But South Africa, and probably Australia and New Zealand, view this question in a different light, and the Commonwealth is undoubtedly flexible enough to adjust itself to this further diversity.

The reaction of the United States to the fulfillment of Smuts' scheme would probably be mixed. In view of American influence in Latin America it is doubtful if this country could legitimately object to the development of a British sphere of influence in Western Europe. If, however, Holland were to join the Commonwealth and bring its empire into the organization, this would lead to increased popular suspicion of British "imperialism," and probably some official concern lest a rigid system of imperial preferences enclose almost all of South East Asia. This suspicion might be reduced, however, by extension of the more progressive colonial policies already announced by the Dutch and British governments, and the fear of commercial conflict removed by the reconciliation of British and American trade policies.

Although formal adherence of the Western European democracies to the British Commonwealth may never come about, it should be clear that Smuts, however bold he appeared, was doing no more than project into the future a development which is already under way. Just as the governments of these countries were forced to turn to Britain during the war, so they may be expected to turn to it in the tasks of post-war reconstruction. They are separated from Germany by hatred, from the United States by distance, and from the Soviet Union by both distance and differences in political and economic institutions. Regardless of the form it takes, their association with Britain—and Britain's with them—is bound to influence the shape of post-war Europe and the post-war world.

HOWARD P. WHIDDEN, JR.

# Washington News Letter



DEC. 20.—With the Senate's rejection of the Green-Lucas military voting bill, some sort of practicable absentee balloting system for men and women in the armed services remains to be worked out before the Presidential election next November. The 9,000,000 persons of voting age who are expected to be in the armed services at that time could hold the balance in the electoral decision, and play a leading part in determining whether the United States actually follows a foreign policy of international collaboration.

**TEMPTATION FOR POLITICIANS.** The issue of the soldiers' vote has been snowed under by more spectacular events on the battlefronts and by the conferences at Cairo and Teheran, but the important question remains: Are the persons who are fighting to defend the country to be permitted to have a voice in its running? The Green-Lucas bill for federal supervision of the voting was defeated on December 4, when the Senate, 42 to 37, approved an inadequate substitute measure which simply expressed the wish that the individual states would facilitate balloting by soldiers, sailors, the overseas personnel of the Merchant Marine, and the USO, American Red Cross, Society of Friends, Women's Auxiliary Ferry Service and Women's Air Force Society Pilots. The states failed to make adequate arrangements for voting by those persons in 1942 and this year, and there is no reason to think they will do so in 1944. In an attempt to guarantee the soldier an opportunity to vote, Representative Worley of Texas, Chairman of the House Committee on Election of President, Vice President and Representatives in Congress, has introduced a bill to enable fighting men and women to cast their ballots through cooperation of the federal and state governments.

Politicians work in the dark, however, when they try to anticipate the soldiers' vote. Nobody knows how the great body of military men and women think about today's international issues. The general unofficial view is that, at this stage, the fighting men are less interested in great questions like foreign policy than in simple matters directly affecting them. The problem for the soldier and sailor is: Will I have a job when the war is over?

**EDUCATING THE SOLDIERS.** The likelihood that soldiers and sailors will vote wisely, however, is enhanced by the educational and information advantages provided for them by the Army and

Navy in order to make them more intelligent fighters. These programs give the military personnel a better opportunity than that enjoyed by many rank-and-file citizens to acquaint themselves with the nature of the events and problems of the times, both in domestic and foreign affairs. Selected members of the services are now being polled by the Army and Navy Departments for their opinions on current affairs. These polls are not designed to serve any political end, but to show whether the Army's extensive educational programs are achieving results.

The services' programs are divided into three parts—orientation, education, information. The objective of the War Department's orientation program is to give the soldiers an opportunity to understand the nature of the war, its meaning to them, and their place in it. Orientation officers, who receive special schooling in their tasks, elucidate both the military and political objectives of the United Nations, as well as the background of the war. The course deals only in fundamentals, with emphasis on military questions, and is given but one hour a week.

The educational program gives the men an opportunity for discussion with one another. With a guiding officer present, they exchange views on topics of the day. This intellectual exercise is elective, and is regarded as recreation. As a basis of discussion the leader makes available pamphlets which the War Department sends out, whose preparation is arranged by agencies like the American Historical Association. The material supplied by the services is objective and deals with fundamental issues.

The information program provides news and graphic background information for the military personnel. The War Department distributes a weekly newsmag and, through the Army News Service, reports of current happenings. The news feature magazine, *Yank*, is essentially a War Department publication. The Armed Forces Radio Service provides broadcast news for soldiers and sailors overseas. Lt. Col. Frank Capra has completed for the Army five background motion pictures on the theme, "Why We Fight," for showing to soldiers, and magazines such as *Time*, *Newsweek* and *Readers Digest* print overseas editions for distribution among the armed forces. Nevertheless, the front lines get the news only in small doses, and the men in the thick of the fighting on land and sea are often in the dark about world events which they help to shape.

BLAIR BOLLES

1918—TWENTY-FIFTH ANNIVERSARY OF THE F.P.A.—1943